

# CRIMINAL JUSTICE TRAINING REFERENCE MANUAL

## RECORDS ADMINISTRATIVE POLICY

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- I. The Department of Criminal Justice Services is required to maintain employment and training records for all officers that come under the purview of DCJS as stated in the Code of Virginia. The purpose of this policy is to establish procedures that will ensure consistency of reporting from the agencies and academies required to provide information to DCJS.
- II. The following sections of the Code of Virginia describe the responsibilities of DCJS and agencies and academies:
  - A. § 9.1-102. (Effective October 1, 2001) Powers and duties of the Board and the Department.
    1. The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:
      - a. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;
      - b. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;
      - c. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;
      - d. Establish compulsory minimum entry level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;
      - e. Establish compulsory minimum entry level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;
      - f. Establish compulsory minimum entry-level, in-service, and advanced training standards for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and for correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and establish the time required for completion of such training;
      - g. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;
  - B. § 9.1-114. (Effective October 1, 2001) Compliance with minimum training standards by officers employed after July 1, 1971, by officers appointed under § 56-353 after July 1, 1982, and by part-time officers.
    1. Every full-time law-enforcement officer employed after July 1, 1971, officers appointed under the provisions of § 56-353 after July 1, 1982, and every part-time law-enforcement officer employed after July 1, 1989, shall comply with the compulsory minimum training standards established by the Board within a period of time fixed by the Board in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). However, any part-time law-enforcement officer employed for eighty, or fewer, compensated hours in a calendar year, or any noncompensated auxiliary deputy sheriff, or noncompensated auxiliary police officer who carries a firearm in the course of his employment shall be required to have completed

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basic firearms training and received ongoing in-service firearms training, as defined by the Board. The Board may require law-enforcement agencies of the Commonwealth and its political subdivisions to submit rosters of their personnel and pertinent data with regard to the training status of such personnel.

- C. § 9.1-115. (Effective October 1, 2001) Forfeiture of office for failing to meet training standards; termination of salary and benefits; extension of term.
1. Every person required to comply with the training standards adopted by the Board, excluding private security services business personnel, who fails to comply with the standards within the time limits established by the regulations adopted by the Board shall forfeit his office, upon receipt of notice, as provided in subsection B. Such forfeiture shall create a vacancy in the office and all pay and allowances shall cease.
  2. Notice shall be by certified mail, in a form approved by the Board, to the officer failing to comply and the chief administrative officer of the agency employing the officer. Notice shall be mailed to the State Compensation Board, if approval of that Board of the necessity of his office or compensation is required by law.
  3. If the necessity for the officer or compensation of the officer is required by law to be approved by the State Compensation Board, that Board, upon receipt of notice as provided in subsection B, shall notify the Comptroller, who shall cause payment of his compensation to cease as of the date of receipt of the notice by the State Compensation Board of the notice.
  4. It shall be the duty of the chief administrative officer of any agency employing a person who fails to meet the training standards to enforce the provisions of § [9.1-114](#) and this section. Willful failure to do so shall constitute misfeasance in office, and, in addition, upon conviction, shall constitute a Class 3 misdemeanor.
- D. § 9.1-168. (Effective October 1, 2001) Eligibility for funds.
1. Any city, county, or town establishing a police department shall provide the Department written notice of its intent to seek state funds in accordance with the provisions of this article. Such city, county, or town shall become eligible to receive funds at the beginning of the next fiscal year which commences not sooner than twelve months after the filing of this notice.
  2. No city, county, or town shall receive any funds in accordance with the terms of this article unless it notifies the Department prior to July 1 each year that its law-enforcement personnel, whether full-time or part-time and whether permanently or temporarily employed, have complied with the minimum training standards as provided in §§ [9.1-102](#) and [9.1-114](#), unless such personnel are exempt from the minimum training standards as provided in §§ [9.1-113](#) and [9.1-116](#) or that an effort will be made to have its law-enforcement personnel comply with such minimum training standards during the ensuing fiscal year. Any city, county, or town failing to make an effort to comply with the minimum training standards may be declared ineligible for funding in the succeeding fiscal year by the Department.
- III. Reporting Employment- Reporting employment is the responsibility of the employing agency. New employees must be reported to DCJS within ten days of being sworn. DCJS monitors the hire date because all criminal justice officers are required to comply with the compulsory minimum training standards within twelve months of the date of hire. Specifically this means the officer must complete entry-level training within twelve months of the date they are sworn. It should be noted that field training is a part of the entry-level training requirement for law enforcement officers. Likewise On-the-Job Training is a part of the entry-level training requirement for dispatchers.

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A. Form 21 must be used to report new employees to DCJS

1. Form 21 must be submitted within ten days of being sworn
2. Form 21 must be complete and correct
3. Form 21 must be signed by the agency administrator or designee

IV. Reporting Changes in Employment-Reporting changes in employment status is the responsibility of the employing agency. Whenever an individual has a change in name, rank, primary or secondary function or is terminated, the change must be submitted to DCJS. If DCJS is not notified of a change in function, for example, the individual may erroneously be reported as not complying with the compulsory minimum training standards. The same thing may happen when an individual is no longer employed and DCJS has not been notified.

A. Form 31 must be used to report changes in employment status to DCJS

B.

1. Must be submitted within ten days of change of status
2. Enter Name, Social Security Number, and Agency
3. Enter only the change in status which is relevant. The remainder of the form should be blank.
4. Form 31 must be signed by the agency administrator or designee

V. Reporting Completion of Training

A. Form 41 must be used to report completion of training to DCJS

1. Only certified academies are authorized to use the Form 41 to report completion of mandated training.
2. Must be submitted within 30 days of completion of training or sooner, if possible.
3. Must contain only the names of officers whose agencies are members of the reporting academy.
4. Form 41 must be signed by the agency administrator or designee

B. Letter of Completion

1. A letter of completion must be sent to the agency to which the officer belongs.
  - a. The letter of completion must contain the type of training, e.g. Law enforcement in-service, jail officer in-service, general instructor re-certification, etc.
  - b. The letter of completion must contain the date of completion
  - c. The letter of completion must contain the name and social security number of the officer completing the training
  - d. The letter of completion must contain the number of legal hours, career development hours and total hours completed.

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- e. It is the responsibility of the agency receiving the letter of completion to forward the training information to the academy which maintains the agency's training records so that a Form 41 can be initiated when the officer has accumulated enough hours to satisfy in-service training requirements.

### **2. Agencies that do not belong to an academy.**

- a. It is the responsibility of the agency receiving the letter of completion to maintain the training information until the officer has accumulated enough hours to satisfy in-service training requirements. The agency then has the responsibility to provide all documentation to a certified academy so that academy can initiate a Form 41.

### **C. Academy Responsibility**

- 1. It is the responsibility of the academy, upon receiving documentation from a member agency to track the training completed until an officer has accumulated enough hours to satisfy in-service training requirements and to include that officer on an appropriate Form 41.
- 2. It is the responsibility of the academy, upon receiving documentation from an agency that does not belong to an academy that an officer has accumulated enough hours to satisfy in-service training requirements, to include that officer on an appropriate Form 41.

### **D. Exceptions**

- 1. Entry-level training
  - a. The academy that conducts entry-level training shall submit the names of all individuals trained on a Form 41 regardless of whether their agencies are members of the academy or not.
- 2. Instructor development training
  - a. The academy that conducts entry-level training shall submit the names of all individuals trained on a Form 41 regardless of whether their agencies are members of the academy or not.

### **E. Pre-approved partial in-service credit**

- 1. Pre-approved partial in-service credit (PIC) forms must be received by the academy within thirty (30) days after completion of training in order to be credited toward in-service training requirements.

### **F. Individual partial in-service credit**

- 1. Individual partial in-service credit forms must be received by the academy within thirty (30) days after approval by DCJS.

## **VI. DCJS Responsibility**

- A. Receive and enter Forms 21, 31, and 41 in a timely manner
- B. Return forms containing errors to the originating agency/academy for correction and re-submission

- C. Resolve areas of concern/conflict telephonically or face-to-face
- D. Print and distribute agency rosters to agencies for review. (NOTE: The agency roster contains the training due date)
- E. Enter corrections to agency roster after receiving appropriate paperwork from agency, i.e., Forms 21 and 31.
- F. Print and distribute a list of officers due for training to agencies and academies
- G. Print and distribute a list of officers who potentially are not in compliance with training mandates
- H. Receive and enter completed Field Training forms and On-the-Job Training forms
- I. Receive and enter Instructor applications
- J. Print and distribute certificates for law enforcement officers and regional jail officers
- K. Print and distribute instructor certificates and patches. (NOTE: Certificates and patches are only distributed for initial certification)

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